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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,601	05/25/2006	Matthias Austen	WEICKM-0058	1728
7590	09/23/2009		EXAMINER	
Millen, White, Zelano & Branigan Arlington Courthouse Plaza 1 2200 Clarendon Boulevard, Suite 1400 Arlington, VA 22201			SAJJADI, FEREYDOUN GHOTB	
			ART UNIT	PAPER NUMBER
			1633	
			MAIL DATE	DELIVERY MODE
			09/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10580601	5/25/2006	AUSTEN ET AL.	WEICKM-0058

EXAMINER

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FEREYDOUN G. SAJJADI

ART UNIT	PAPER
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1633 20090922

DATE MAILED:

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Commissioner for Patents

OFFICE COMMUNICATION:

Response to Amendment

The response dated May 20, 2009, to the Notice of Non-responsive Amendment of May 1, 2009 is considered non-responsive, because while Applicants have again not responded to the requirement for the election of a specific type of neutrin product, or neutrin modulator, and one of in vivo, in vitro or ex vivo for the claimed method, as set forth in part 2, page 3 of the Office action dated November 28, 2008. Applicants should further indicate the claims that the elected species read on. The reply is therefore not fully responsive (See 37CFR 1.111). Applicants should refer to pp. 8-9 of their specification for additional definitions for a neutrin product. It should further be noted that the Office communication dated May 1, 2009 was a Notice of Non-responsive Amendment, and not a second restriction requirement as alleged by Applicants.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fereydoun G. Sajjadi whose telephone number is (571) 272-3311. The examiner can normally be reached Monday through Friday, between 6:30 am-3:30 pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached on (571) 272-079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). For all other customer support, please call the USPTO Call Center (UCC) at (800) 786-9199.

/Fereydoun G Sajjadi/
Primary Examiner, Art Unit 1633